

REMARKS

The Examiner has objected to the abstract of the disclosure. Accordingly, the Applicant has replaced the abstract of the disclosure with a new paragraph that complies with MPEP section 608.01(b).

The Examiner has objected to claims 2-16, because the phrase "A method" as recited in line 1 of each of the claims should read, --The method--. Accordingly, the Applicant has amended claims 3-16 per the Examiners suggestion. Claim 2 has been cancelled.

The Examiner has rejected claims 1, 2, 4 and 12 as being anticipated by Chakravorty et al. (US PAT. 6,565,730), has rejected claims 1-8 and 12-16 as being anticipated by Albrecht et al (US PAT. 6,052,258) and has rejected claims 9-11 as being obvious in view of Albrecht et al.

However, neither of the cited references teaches a method for creating a conductive path between two or more conductive layers wherein the portions of the conductive layers are exposed by recessing at least one of the conductive layers and any dielectric layers positioned between the conductive layers, and wherein the conductive material overhangs an uppermost of the conductive layers as was recited in claim 2 (now cancelled). An example of such a structure can be seen in Figure 2 of the present application. No such structure, or even a suggestion thereof, can be found in any of the references. Accordingly, this limitation from claim 2 has been added to claim 1, and claim 2 has been cancelled. Claim 1, as amended is, therefore, allowable over the prior art.

Since claims 3-16 depend from allowable claim 1 and add further limitation thereto, they are also necessarily allowable over the prior art.

The Applicant sincerely believes that the remaining claims in this application are allowable as amended. A notice of allowance is, therefore, requested. Should the

HIT1P118/SJ09-00-0001US2

- 8 -

Examiner wish to discuss this matter further, the Examiner is invited to call the Applicant's attorney at (408) 971-2573.

For payment of any fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account 50-2587 order no. (SJO9000001US2)

Respectfully submitted,

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HIT1P118/SJO9-00-0001US2

- 9 -